

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)

Plaintiff,

VS.

\$7,154.92 IN US FUNDS FROM
BANK OF AMERICA ACCT #:
XXXX7153,

Defendant.

NO. CV-13-080-JLQ

FINAL ORDER OF FORFEITURE AND ORDER CLOSING FILE

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem that the Defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881. (ECF No. 1).

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395. The defendant property being forfeited is described as follows: \$7,154.92 in U.S. Funds held in Bank of America Acct#: XXXX7153, in the name of Hilario Garcia-Moreno, Jr., seized on or about July 21, 2011, by the United States Drug Enforcement Administration, pursuant to a seizure warrant.

On March 5, 2013, the Clerk's office issued the Warrant of Arrest In Rem, pursuant to the Court's order of the same date. (ECF No. 3). On March 6, 2013, the Warrant of Arrest In Rem was returned executed, and filed herein on June 4, 2013. (ECF No. 5).

Notice of Civil Forfeiture Action was posted on the official government website beginning February 28, 2013, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules

1 for Admiralty or Maritime Claims and Asset Forfeiture Actions, as evidenced by the Notice
2 of Publication filed herein on August 6, 2013. (ECF Nos. 8). At the latest, the claim period
3 expired on April 29, 2013. On or about June 4, 2013, Hilario Moreno Garcia, Jr. was served,
4 via certified mail, return receipt requested, at FCI Safford, and in care of Attorney Nicolas
5 Vieth, with a copy of the Verified Complaint for Forfeiture In Rem, the Warrant of Arrest In
6 Rem, and the Notice of Complaint for Forfeiture. (ECF No. 6). Based upon the direct notice's
7 service date the last date to file a timely claim was July 9, 2013. On or about July 10, 2013,
8 the United States filed its Notice of Motion for Default, which was served via certified mail,
9 return receipt requested, upon Hilario Moreno Garcia, Jr., at FCI Safford, and his attorney,
10 Nicolas Vieth. (ECF No. 7). On or about July 22, 2013, the United States received a copy of
11 a letter dated July 18, 2013, from Mr. Vieth to Hilario Moreno-Garcia, Jr., which stated that
12 Mr. Vieth does not represent Hilario Moreno-Garcia, Jr. regarding the forfeiture matter. To
13 date, no claim of interest has been received or filed with the Court from Hilario
14 Moreno-Garcia, Jr. On August 6, 2013, the United States filed and served its Motion for
15 Default. (ECF No. 9). On August 8, 2013, the Clerk entered a default order as to Hilario
16 Moreno-Garcia, Jr.. (ECF No. 10).

17 It appearing to the court that any and all potential claimant's interest in the defendant
18 property has been resolved through the entry of the Clerk's Order of Default as to Hilario
19 Moreno-Garcia, Jr.;

20 It also appearing to the Court that no other timely claims have been made to the
21 defendant property;

22 **IT IS THEREFORE ORDERED that:**

23 1. The United States' Motion for Entry of the Final Order of Forfeiture of Property
24 (ECF No. 11) is GRANTED;

25 2. The Defendant property is hereby forfeited to the United States of America, and no
26 right, title, or interest shall exist in any other person;

1 3. The United States shall dispose of the forfeited Defendant property in accordance
2 with law.

3 The Clerk of the court shall enter this Order, provide copies to counsel, and CLOSE
4 THE FILE.

5 DATED this 30th day of August, 2013.

6 s/ Justin L. Quackenbush
7 JUSTIN L. QUACKENBUSH
8 SENIOR UNITED STATES DISTRICT JUDGE